

JAN - 3 2019

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF INFORMATION
ASSOCIATED WITH “Bobby Gee”, UNDER FACEBOOK USER
ID NUMBER ID and USER ID NAME
<https://www.facebook.com/profile.php?id=100014323662257&lst=100020296691159%3A100014323662257%3A1545247231> THAT
IS STORED AT PREMISES CONTROLLED BY FACEBOOK
INC.

Case No. 4:19 MJ 6007
(PLC)

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Special Agent Bryson G. Wheeler of the Drug Enforcement Administration being first
duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for
information associated with a certain Facebook user ID Name “Bobby Gee” and User ID
<https://www.facebook.com/profile.php?id=100014323662257&lst=100020296691159%3A100014323662257%3A1545247231> that is stored at premises owned, maintained, controlled, or
operated by Facebook Inc. (“Facebook”), a social networking company headquartered in
Menlo Park, California.¹ The information to be searched is described in the following

¹ This User ID Number (ID

100014323662257&lst=100020296691159%3A100014323662257%3A1545247231) is a
unique number specifically assigned to the Facebook page “**Bobby Gee**” with the above listed
URL address. Investigators confirmed that this user ID Number is associated with the Bobby

paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. I am a Special Agent with the Drug Enforcement Administration (DEA), United States Department of Justice, currently assigned to the St. Louis Division. I have been a DEA Special Agent for approximately 22 months. Prior to my assignment with DEA, I was a Deputy Sheriff in Kansas for approximately 11 years. During the course of my law enforcement experience, specifically DEA, which specializes in narcotics investigations, I have participated in several complex domestic investigations involving drug trafficking organizations dealing in cocaine, methamphetamine, heroin, marijuana, and other controlled substances. Based on my training, experience, and participation in controlled substance investigations, your affiant is familiar with the methods of operation of drug traffickers. I am familiar with and have used normal methods of investigation, including, but not limited to, visual surveillance, questioning of witnesses, the use of search and arrest warrants, the use of informants, the utilization of undercover agents and the use of court-authorized wire

Gee user account from the investigative knowledge of Robert Luster Jr's common moniker of Bobby Gee. Photos in the Facebook account Bobby Gee are consistent with the individual known to investigators as Robert Luster Jr, as noted by photos of LUSTER JR taken both before and during this investigation.

intercepts. I am also familiar with federal criminal laws, particularly those laws relating to narcotics. I am part of an experienced team of narcotics investigators that have participated in numerous drug trafficking investigations utilizing various investigative techniques.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 21, United States Code, Section 841(a)(1); Title 21, United States Code, Section 846; Title 18, United States Code Section 924(c); and Title 18 United States Code, Section 2119, by Robert LUSTER JR. and others known and unknown. There is also probable cause to search the information described in Attachment A for evidence of these crimes and contraband or fruits of these crimes, as described in Attachment B. Photos in support of this affidavit as located in Appendixes at this end of this affidavit.

JURISDICTION

4. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

Background: 27 Accomac and Grape Street Gang

5. The undersigned is presently investigating narcotics trafficking as well as acts of violence between the 27 Accomac Crips gang (hereinafter referred to as 27 Mac) and rival gang the Grape Street Crips. In July of 2017, investigators were advised of the murder of Shemarcus McCullough, who was a Grape Street Crip member. During the investigation, Amontae Gordon, a 27 Mac member, advised investigators that he was present at a theme

park (Six Flags St. Louis, MO) with McCullough prior to the shooting, that he and fellow 27 Mac members left the park in separate vehicles, and were on the same highway and travelling in the same direction as McCullough at the time of his murder.

6. In October of 2017, 27 Mac member Robert White Jr. was murdered in East St. Louis, IL. White was present at Six Flags along with Gordon and several other members of the 27 Mac gang just prior to McCullough's murder. Investigators would later learn that LUSTER JR. was dating White's ex-girlfriend at the time of his murder.

7. Subsequent interviews with members of the Grape Street Gang leads investigators to believe that members of the 27 Mac Gang conducted several drive-by shootings, aimed at Grape Street Crip targets, in retaliation for the killing of White. Investigators prevented one attempted drive-by shooting. Additionally, members of the 27 Mac. completed two more uninterrupted drive-by shooting targeted at Grape Street Crip members.

8. Throughout the course of this investigation, investigators have monitored various members of these feuding gangs by monitoring the use their social media accounts, to include but not limited to Facebook. Additionally, during interviews, feuding gang members have admitted to taunting each other using social media. Explained in detail below, Grape Street Gang members, to include LUSTER JR. have used Facebook to buy and sell guns and to conduct illicit transactions. Through their investigation, investigators have confirmed that Grape Street Gang members' primary source of income is derived from the sale of marijuana and heroin, often being set up using Facebook messenger. {Appendix - A} This photo has been verified in a location known to be frequented by Grape Street Crip members.

Grape Street Crip Member Robert LUSTER Jr.

9. On November 15, 2018, Robert LUSTER JR. was federally indicted in United States District Court, Eastern District of Missouri, along with another criminal associate on the following charges: 1) Felon in possession of a firearm, 2) Possession with intent to distribute Fentanyl, and 3) Possession of a firearm in furtherance of a crime. LUSTER JR. has a criminal history for arrests and/or convictions for offenses containing but not limited to: 1) Unlawful possession of a firearm, 2) Possession of a weapon while in the possession of controlled substance, 3) Possession of a controlled substance, 4) Burglary, and 5) Theft. LUSTER Jr. has no documented source of verifiable income.

Social Media Use by Grape Street Crips and LUSTER JR.

10. Investigators are aware that Facebook, “is a social networking website and service where users can post comments, share photographs and links to news or other interesting content to the Web, play games, chat live, and stream live video. Shared content can be made publicly accessible, or it can be shared only among a select group of friend or family or a single person.” (Definition from Lifewire February 2, 2018). Facebook also allows for direct messaging, also known as instant messaging, on Facebook’s Messenger feature (hereinafter referred to as Messenger).

11. Investigators know that users of Facebook will often download the application to their cellular device in order to have access to all of the features while they are not near dedicated internet signals such as Wi-Fi, tablets, or desktop computers. Investigators are also aware that narcotics traffickers often utilize Facebook in order to conduct narcotics trafficking activities.

12. Throughout this on-going investigation, investigators have monitored the Facebook and social media pages of multiple members of the Grape Street Crips gang and have observed that a Facebook profile under the name Bobby Gee, Robert LUSTER JR, frequently posts photos himself and known criminal associates. The Facebook account under the name Bobby Gee is a publicly viewable account. In doing so, this account is publicly viewable to investigators and/or anyone with a Facebook account and has been monitored by investigators.

13. Investigators have observed multiple photos dated 2018, where LUSTER JR posts himself in possession of large amount of US Currency and/or firearms. In a Facebook photo dated June 1, 2018, posted by Bobby Gee, LUSTER JR was seen in a picture with other documented Grape Street Crip Gang members, some still living and some deceased. Some of these individuals in this photo have since been indicted as part of this investigation.
{Appendix - C}

14. One photo posted by Bobby Gee, dated October 21, 2018, showed LUSTER JR holding US Currency with a black handgun under his arm. {Appendix - B} Based on training and experience, investigators believe this to be LUSTER JR. carrying a firearm for protection while dealing illegal drugs. United States courts have recognized illegal drug dealing as inherently dangerous.

15. In a Facebook post by Bobby Gee dated November 24, 2018, LUSTER JR made a Facebook post stating "I got them Ppens don't call if u don't have no money". Based on training and experience, investigators believe that this is LUSTER JR. broadcasting via Facebook that he has a fresh supply of drugs, commonly clandestinely manufactured heroin mixed with fentanyl, and sold by the capsule for \$10 each.

16. Additionally in a Facebook post dated December 10, 2018, Bobby Gee made a Facebook post stating “300 GS in my flip phone bitch I’m paid kinda money got them lam lil niggas hating want BG out the way”. Based on training and experience, investigators believe this to mean that LUSTER JR. is saying he has 300 customers in his phone that he uses to conduct illegal transactions. In the message, LUSTER JR is interrupted as saying that the young kids are jealous of his high-paying life style and want him out of the way to take over. Additionally, investigators routinely locate folding style flip phone in the course of conducting narcotics related investigations. These style phones are used because they are inexpensive to replace when there is a need to dispose of a phone and change phone numbers in an attempt to avoid to detection of law enforcement.

17. On December 12, 2018, LUSTER Jr. was arrested by the United States Marshals on an outstanding federal arrest warrant. After being advised of his rights under the *MIRANDA* decision, LUSTER JR. spoke with members of the investigative team. LUSTER JR. admitted to selling illegal drugs for profit, but denied carrying a firearm during drug sales.

18. Close criminal associates of LUSTER JR. currently have open investigations through local law enforcement agencies in connection to robberies that occur when individuals respond to either buy or sell items on Facebook market place. LUSTER JR. is a suspect for being a contributing member of these robberies.

Facebook Information

19. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news,

photographs, videos, and other information with other Facebook users, and sometimes with the general public.

20. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

21. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

22. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings

that users can adjust to control, for example, the types of notifications they receive from Facebook.

23. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

24. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

25. Facebook users can exchange private messages on Facebook with other users using Messenger. Those messages are stored by Facebook unless deleted by the user. Facebook users can also post comments on the Facebook profiles of other users or on their

own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a chat feature that allows users to send and receive instant messages through Facebook Messenger. These chat communications are stored in the chat history for the account. Facebook also has Video and Voice Calling features, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

26. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

27. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

28. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

29. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

30. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

31. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

32. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

33. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well as records of any actions taken by the provider or user as a result of the communications.

34. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and

experience, a Facebook user's IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

35. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

36. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

37. Based on the forgoing, I request that the Court issue the proposed search warrant.

38. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court of the Eastern District of Missouri.

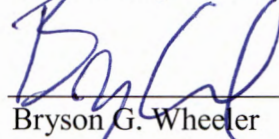
39. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

REQUEST FOR SEALING

40. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the

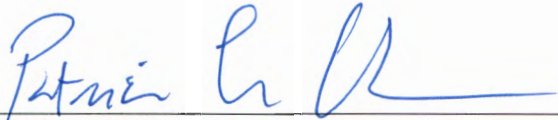
Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,



Bryson G. Wheeler
Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me on 3 day of January, 2019.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the ID Number (*ID* 100014323662257&lst=100020296691159%3A100014323662257%3A1545247231 and User ID Name “Bobby Gee” that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including ID Number (*ID* 100014323662257&lst=100020296691159%3A100014323662257%3A1545247231, and User ID Name "Bobby Gee", full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.]]
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them, including Exchangeable Image File ("EXIF") data and any other metadata associated with those photos and videos,
- (d) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which

the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 21, United States Code, Section(s) 841(a)(1), Title 21, United States Code, 846, and Title 18, United States Code 924 (c), and (d) involving Title 21, United States Code, Section(s) 841(a)(1), Title 21, United States Code, 846, and Title 18, United States Code 924 (c), Bobby Gee (LUSTER JR) since October 1, 2017, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Involvement in carjacking's, the sale of illegal drugs, possession and illegal use of firearms, and communications between LUSTER JR and unknown co-conspirators.
- (b) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (c) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

APPENDIX A

Luster is located in the center of the photo holding money



Bobby Gee

November 18 · 🌐

Can't stop a young nigga fucc the police



APPENDIX B



APPENDIX C

 **Bobby Gee** updated his cover photo. June 1 · 🌐 ...



  43 10 Comments

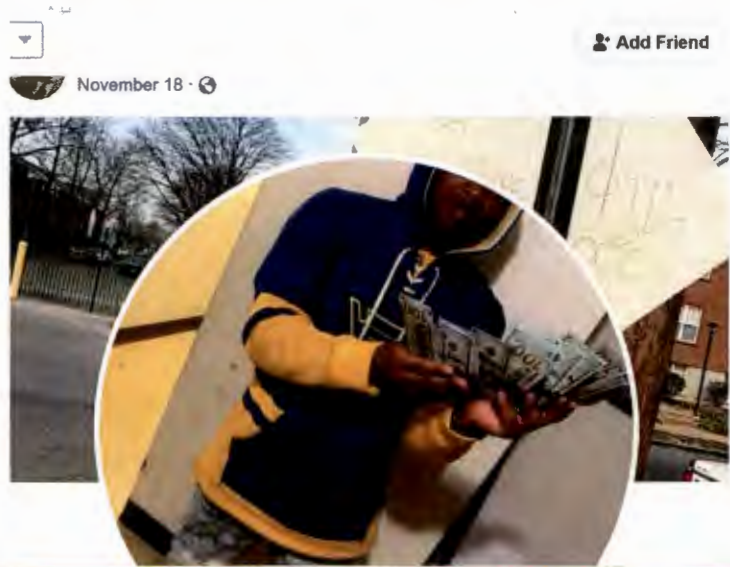
 [Share](#)

 **Precious Uniquee** I need to pop out with you cousin . I'm legal now lol

APPENDIX D

Photos showing the 2600 Block of Caroline Ave in St. Louis, Mo. (Ohio Ave. at Caroline St.)

This area is considered Grape Street Crip "Turf" and the location of multiple drive-by shootings



**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is _____ . I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature